



## ***City of El Paso – City Plan Commission Staff Report***

**Case No:** PZST14-00015  
**Application Type:** Special Permit  
**CPC Hearing Date:** June 5, 2014  
**Staff Planner:** Michael McElroy, (915) 212-1612, mcelroyms@elpasotexas.gov  
**Location:** 5550 Confetti  
**Legal Description:** Lot 5, Block 1, Armour Square, City of El Paso, El Paso County, Texas  
**Acreage:** 0.396 acres  
**Rep District:** 8  
**Current Zoning:** C-1/sc (Commercial/Special contract)  
**Existing Use:** Vacant  
**C/SC/SP/ZBA/LNC:** Yes; Special Contract (see attachment 4)  
**Request:** Infill / Rear Yard Setback Reduction  
**Proposed Use:** Quadraplex  
**Property Owner:** Oscar Gomez  
**Representative:** Bashar Abugalyon

### **SURROUNDING ZONING AND LAND USE**

**North:** C-2/c (Commercial/Condition) & C-1/c (Commercial/Condition) / Vacant  
**South:** A-2 / Apartments  
**East:** C-2/s/sc Commercial/Condition/Special Contract) / Self-Storage Warehouse  
**West:** R-3 (Residential) / Middle School

**PLAN EL PASO DESIGNATION:** G-4 Suburban (Walkable) (Northwest Planning Area)

**NEAREST PARK:** Galatzan Park (4,672 feet)

**NEAREST SCHOOL:** Morehead Middle School (335 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Upper Valley Improvement Association  
Upper Mesa Hills Neighborhood Association  
Upper Mesa Hills Neighborhood Association  
Mesa Hills Neighborhood Association  
Coronado Neighborhood Association  
Save the Valley

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on May 22, 2014. The Planning Division has not received any communication in support or opposition to the special permit request.

### **APPLICATION BACKGROUND**

Ordinance No. 4795, dated March 2, 1975, requires that no more than eighteen apartment units per acre shall be permissible (see attachment 4).

City Council is scheduled to consider waiving the two-criteria requirement for infill development per Section 20.10.280 on June 3, 2014.

### **APPLICATION DESCRIPTION**

The request is for a special permit for infill development and detailed site plan review to allow for a reduction in rear yard setback to 5 feet. The required rear yard setback is 10' in the C-1 (Commercial) zoning district. The front and side yard setback requirements are being met, as is the minimum lot area requirement for apartments in

the C-1 zoning district (1,500 sq. ft. per dwelling unit). The setback reduction request is to accommodate a 6,015 sq. ft. quadraplex. Eight parking spaces are required and eight are proposed. Access is proposed from Confetti Drive.

### **CITY DEVELOPMENT DEPARTMENT -PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of the request as the proposed development is compatible with the surrounding residential and apartment zoned properties. Furthermore, the request meets the requirements of Sections 20.04.320, Special Permit Approvals, 20.10.280, Infill Development, and 20.04.150 Detailed Site Development Plan.

### **Plan El Paso-Future Land Use Map Designation**

All applications for special permit shall demonstrate compliance with the following criteria:

G-4 – Suburban (Walkable): This sector applies to modern single use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of the C-1 (Commercial) district is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

### **ANALYSIS**

To grant the special permit to allow for infill development, the applicant must comply with the following standards, per Section 20.10.280, Infill Development:

A. Location Criteria. An infill development may be designated for any property on which at least two of the following factors are present: the property is wholly or partially located within a designated tax increment financing district, or the property is wholly or partially located within a designated state or federal enterprise zone, or the property is wholly or partially located within an empowerment zone, or the property is wholly or partially located within a designated redevelopment area pursuant to Chapter 20.14 of this title, or the property is located within a designated historic district, or the property is within an older neighborhood of the city. An older neighborhood of the city defined as a legally recorded and developed subdivision for at least thirty years. Where an infill development is able to satisfy only one of the preceding factors, an applicant shall be allowed to make a formal request to city council to waive the two factor requirement prior to the submission of a special use permit application for the property. In all instances where a waiver is requested and authorized by city council, at least one location factor shall be met. For purposes of this section, any property with a historic designation shall be subject to the requirements and review provisions of Chapter 20.20 (Historic Designations) of this title, and shall not be waived by any provision of this section.

*The applicant meets one of the required criteria, being located in a state enterprise zone. The City Council on June 3, 2014 approved a waiver of the two-criterion requirement to permit infill development when only one is met.*

B. Use Regulations. Unless the ordinance designating the infill development provides otherwise, a proposed infill development may be approved for any use permitted in the base-zoning district in which it is located. However, the ordinance designating an infill development overlay may provide a list of principal uses, accessory uses and prohibited uses pursuant to a specific area plan adopted by the city council.

*A quadraplex is a permissible use in the C-1 (Commercial) zoning district.*

C. Setback Provisions. The side, front and rear setback requirements of the base-zoning district on which it is located may be reduced up to one hundred percent for an infill development as approved by city council. Buildings should be designed to relate to and take advantage of any existing site attributes, and shall be a consideration for reduction of the setback requirements.

Dimension	Required	Proposed
Rear	10'	5'

D. Parking. The minimum parking requirements enumerated in Chapter 20.14 (Off-Street Parking and Loading Requirements) of this title shall be automatically reduced by fifty percent for any use within a designated infill development.

*No parking reduction is proposed. The project requires eight parking spaces and eight are proposed.*

E. Design. Unless otherwise approved by city council, any construction permitted pursuant to this section shall be designed to consistently relate to the massing and character of the surrounding properties. Consistency of massing and character shall be determined as shown on the site plan with typical elevations and proposed construction materials, that the proposed construction is compatible with the overall design features and building development of the neighborhood within which the proposed infill development is located. Design features include, but shall not be limited to, building height, architectural style, building materials, landscape and setbacks.

*The proposed development is consistent with the G-4 Suburban (Walkable) growth sector.*

### **COMMENTS:**

#### **City Development Department – Planning Division - Transportation**

No objections.

Note: All existing / proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction.

#### **City Development Department - Land Development**

No objection.

#### **City Development Department – Building Development & Permitting**

Recommend approval. Proposed construction will need to comply with all requirements of the international building codes and local ordinances.

#### **El Paso Fire Department**

Recommend “APPROVAL” of “Application” as presented. PZST14-00015

#### **\*\*\*\*\*NOTE \*\*\*\*\***

In accordance with the requirements of the Zoning Code Section 20.04.160 Content of application the Fire Planning Division has reviewed the submitted “Detailed Site Plan for the following: Elevations, Perspective of the building, Dimensions, square footage and height of all structures, Number of dwelling units in Multi-family structures, and Driveways as applicable to following sections of the fire code; Sections 503 and Appendix D Fire Apparatus Access Roads, Section 903 Automatic Sprinkler Systems, Section 905 Standpipe Systems.

“When required as per section 905.3.1, 905.4 and 905.5 all fire protections system plans shall be submitted separately to Fire Plan Review for further requirements and comments”.

The Fire Planning Division has reviewed the submitted “Detailed Site Plan Application” as per requirements of the Zoning Code Section 20.04.160 Content of application and has determined that the submission DOES comply within the zoning regulations.

#### **Sun Metro**

Sun Metro does not oppose this request. Recommends the construction of sidewalks to permit pedestrian access to public transit services. Rt. 13 provides services along Confetti and has a bus stop located across the street from the subject property.

**El Paso Water Utilities**

We have reviewed the request described above and provide the following comments:

1. EPWU does not object to this request.
2. All costs associated with the extensions of water and/or sanitary sewer mains are the responsibility of the Owner/Developer.

**Water:**

1. There is an existing 12-inch diameter water main along Confetti Drive that is available for service. The water line changes in diameter to an 8-inch diameter water line approximately 30-ft north from the southwestern property line. The alignment of the water main varies between the southeastern and southwestern property line.

**Sanitary Sewer:**

2. There is an existing 8-inch diameter private sanitary sewer main extending along a 10-ft wide private easement within the subject property.

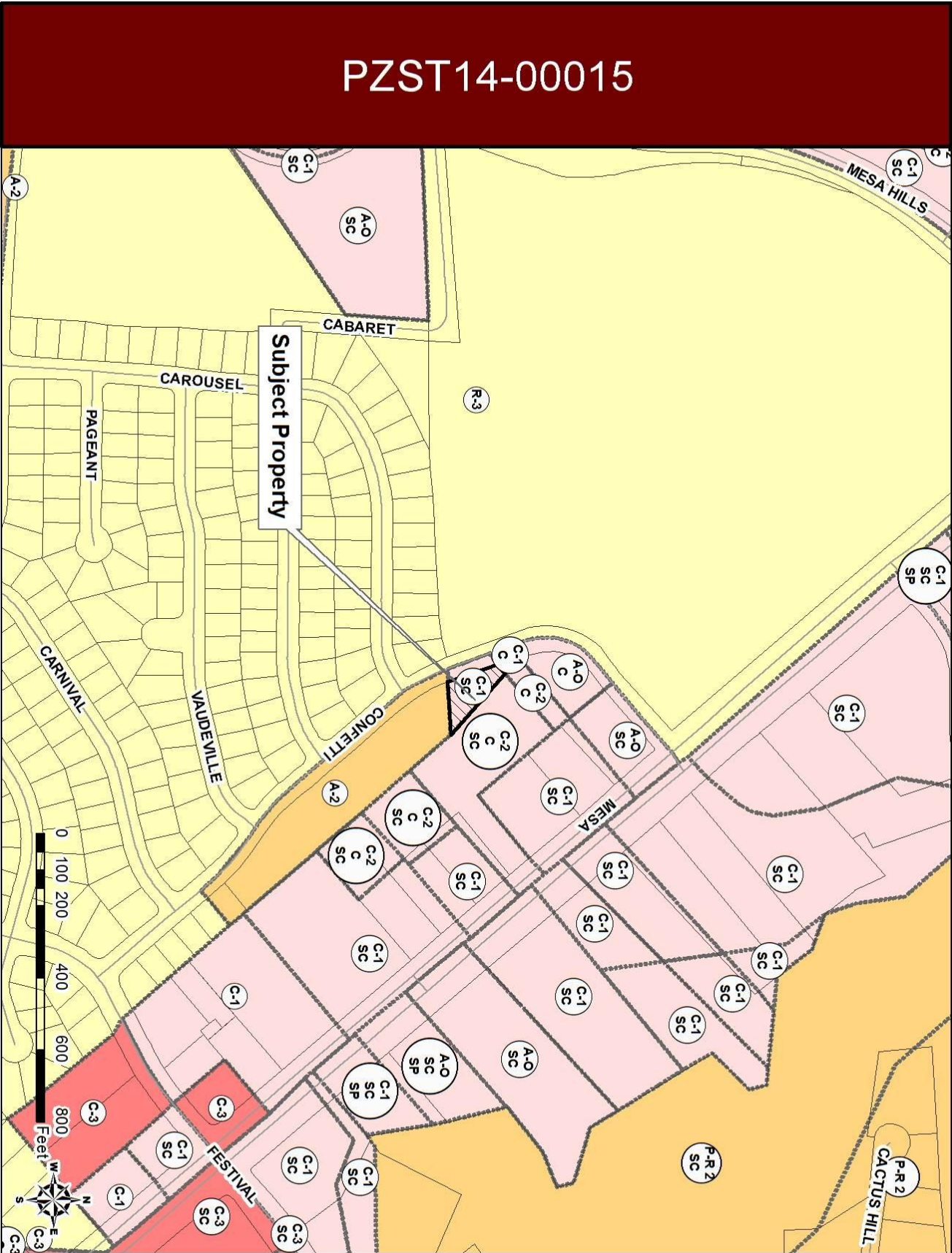
3. There is an existing 8-inch diameter sanitary sewer main extending along Confetti Drive, the sewer main is located approximately 5-ft west from the center line of the right-of-way. Said main dead-ends at about 155-ft north from a manhole located at the intersection of Carousel and Confetti Drives with an invert to finish grade of approximately 5-ft. An extension of an 8-inch diameter sanitary sewer main from the 8-inch sanitary sewer main dead-end will be required to service the subject property with a minimum invert to finish grade of 3.5-ft.

**General:**

1. EPWU requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

**Attachments**

1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Ordinance No. 4795





PZST14-00015





[illegible]

ATTACHMENT 3: ORDINANCE NO. 4795

4795

AN ORDINANCE CHANGING THE ZONING OF  
A PORTION OF TRACT 4F AND ALL OF TRACTS  
4E1 AND 4H1, A. F. MILLER SURVEY 215, THE  
PENALTY BEING AS PROVIDED IN SECTION 25-  
10 OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of the following described portion of Tract 4F and  
all of Tracts 4E1 and 4H1, A. F. Miller Survey 215, El Paso County, Texas,  
be changed to A-O within the meaning of the Zoning Ordinance, and the zon-  
ing map of the City be revised accordingly:

Parcel 1

A portion of Tract 4F, A. F. Miller Survey 215, El Paso County,  
Texas, more particularly described by metes and bounds as follows:

Beginning at a point located North 43° 54' West along the easterly  
line of Fiesta Hills Addition, a distance of 869.00 feet from the most east-  
erly corner of Lot 1, Block 10, Fiesta Hills Addition;

Thence North 46° 06' East a distance of 400.00 feet;

Thence South 82° 46.03' West along the southerly line of Tract 4H1  
a distance of 500.28 feet;

Thence South 43° 54' East along the easterly line of Fiesta Hills,  
Unit Two, a distance of 298.09 feet to the point of beginning and containing  
1.369 acres of land, more or less.

Parcel 2

All of Tracts 4E1 and 4H1, A. F. Miller Survey 215, El Paso County,  
Texas, more particularly described by metes and bounds as follows:

Beginning at a point said point being the intersection of the south-  
easterly right of way line of Confetti Drive with the southwesterly right of  
way line of Mesa Avenue (U. S. Highway 80);

Thence South 43° 54' 00" East along the southwesterly right of way  
line of Mesa Avenue a distance of 704.15 feet to a point in the northerly line  
of Tract 4F;

Thence South 82° 46' 00" West along the northerly line of Tract 4F  
and along the northerly line of Fiesta Hills Unit Two a distance of 654.64  
feet to a point in the easterly right of way line of Confetti Drive;

Thence North 22° 42' 36" West along the easterly right of way line  
of Confetti Drive a distance of 246.60 feet;



ATTACHMENT 3: ORDINANCE NO. 4795 (CONTINUED)

Thence 156.87 feet continuing along said right of way line and along the arc of a curve to the right whose radius is 130.62 feet, whose interior angle is  $68^{\circ} 48' 36''$  and whose long chord bears North  $11^{\circ} 41' 42''$  East a distance of 147.61 feet;

Thence North  $46^{\circ} 06' 00''$  East along the southeasterly right of way line of Confetti Drive a distance of 314.28 feet to the point of beginning and containing in all 5.663 acres of land, more or less.

PASSED AND APPROVED this 2nd day of March,

1972.

  
\_\_\_\_\_  
Mayor

ATTEST:

R. H. Habel  
\_\_\_\_\_  
City Clerk

I certify that the zoning map has been revised to reflect the amendment of ordinance # 4795  
By [Signature] Date 3-21-72

I CERTIFY THAT THE FOLLOWING ZONING MAPS  
HAVE BEEN REVISIONED: for extension  
2-10-72 COUNTER  
3-10-72 ORIGINAL  
3-10-72 [Signature]  
3-10-72 CONTROL [Signature]

4795

AN ORDINANCE CHANGING THE ZONING OF  
A PORTION OF TRACT 4F AND ALL OF TRACTS  
4E1 AND 4H1, A. F. MILLER SURVEY 215, THE  
PENALTY BEING AS PROVIDED IN SECTION 25-  
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of Confetti Drive a distance of 246.60 feet;

4795

RESOLUTION


BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract with Mesa Vista, Inc., a corporation, et al., placing certain restrictions on property rezoned by Ordinance No. 4795.

ADOPTED this 2 day of March, 1972.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

ENT  
MAR 6 1972  
OF PLANNING



ATTACHMENT 3: ORDINANCE NO. 4795 (CONTINUED)

CONTRACT

This contract, made this 25<sup>th</sup> day of February, 1972, by and between Mesa Vista, Inc., a corporation, and E. Peinado Development Co., a corporation, First Parties; Charles H. Leavell, H.D. Fulwiler ~~and W. E. B. B. B.~~ (not joined by their wives because the hereinafter described property has never been part of their homestead), and Times Enterprises, Inc., a corporation, Second Parties; and the City of El Paso, Third Party, witnesseth:

First Parties have applied to the City of El Paso for rezoning of a portion of Tract 4F and all of Tracts 4E1 and ~~4H1~~<sup>4H2</sup>, A. F. Miller Survey 215 in the City of El Paso, El Paso County, Texas, which property is more particularly described in Ordinance No. 4795, now pending before the City Council of the City of El Paso, a copy of which is marked Exhibit "A", attached hereto and made a part hereof by reference.

In order to remove certain objections to such rezoning, First Parties covenant that if the property is rezoned as indicated in the attached ordinance, not more than eighteen apartment units per acre shall be permitted on the property.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Parties and their successors in title. Any further conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby. Second Parties, the holders of recorded liens on Tracts 4E1 and ~~4H1~~<sup>4H2</sup>, consent to the placing of the above restriction on the property.

ATTACHMENT 3: ORDINANCE NO. 4795 (CONTINUED)

Witness the following signatures and seals:

MESA VISTA, INC., a corporation

by [Signature]  
President

ATTEST:

[Signature]  
Secretary

E. PEINADO DEVELOPMENT CO., a corporation

by [Signature]  
President

ATTEST:

[Signature]  
Secretary

[Signature]  
Charles H. Leavell

[Signature]  
H. D. Fulwiler

TIMES ENTERPRISES, INC., a corporation

by [Signature]  
President

ATTEST:

[Signature]  
Asst. Secretary

## PZST14-00015

by \_\_\_\_\_ Mayor

  
City Clerk

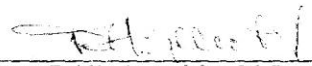


ATTACHMENT 3: ORDINANCE NO. 4795 (CONTINUED)

THE STATE OF TEXAS   )  
                                  )  
COUNTY OF EL PASO   )

Before me, the undersigned authority, on this day personally appeared Harvey W. Beckley, President of MESA VISTA, INC., a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that the same was the act of said corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

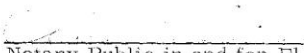
Given under my hand and official seal this 25<sup>th</sup> day of February, 1972.

  
\_\_\_\_\_  
Notary Public in and for El Paso County,  
Texas.

THE STATE OF TEXAS   )  
                                  )  
COUNTY OF EL PASO   )

Before me, the undersigned authority, on this day personally appeared Emilio J. Peinado, President of E. PEINADO DEVELOPMENT CO., a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that the same was the act of said corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and official seal this 30<sup>th</sup> day of February, 1972.

  
\_\_\_\_\_  
Notary Public in and for El Paso County,  
Texas.

THE STATE OF TEXAS   )  
                                  )  
COUNTY OF EL PASO   )

Before me, the undersigned authority, on this day personally appeared CHARLES H. LEAVELL, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and official seal this 1st day of March, 1972.

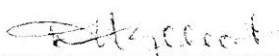
  
\_\_\_\_\_  
Notary Public in and for El Paso County,  
Texas.

ATTACHMENT 3: ORDINANCE NO. 4795 (CONTINUED)

THE STATE OF TEXAS   )  
                                  )  
COUNTY OF EL PASO   )

Before me, the undersigned authority, on this day personally appeared H. D. FULWILER, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and official seal this 25<sup>th</sup> day of February, 1972.

  
\_\_\_\_\_  
Notary Public in and for El Paso County,  
Texas.

~~THE STATE OF TEXAS   )  
                                  )  
COUNTY OF EL PASO   )~~

~~Before me, the undersigned authority, on this day personally appeared W. E. BOYD, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.~~

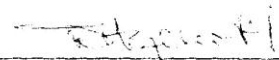
~~Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 1972.~~

~~\_\_\_\_\_  
Notary Public in and for El Paso County,  
Texas.~~

THE STATE OF TEXAS   )  
                                  )  
COUNTY OF EL PASO   )

Before me, the undersigned authority, on this day personally appeared J.C. Enriquez Jr., President of TIMES ENTERPRISES, INC., a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that the same was the act of said corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and official seal this 25<sup>th</sup> day of February, 1972.

  
\_\_\_\_\_  
Notary Public in and for El Paso County,  
Texas.

ATTACHMENT 3: ORDINANCE NO. 4795 (CONTINUED)

THE STATE OF TEXAS   )  
                                  )  
COUNTY OF EL PASO   )

Before me, the undersigned authority, on this day personally appeared BERT WILLIAMS, Mayor of the City of El Paso, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that he had executed the same for the purposes and consideration and in the capacity therein expressed, and as the act and deed of the City of El Paso.

Given under my hand and official seal this 2 day of March  
1972.

  
\_\_\_\_\_  
Notary Public in and for El Paso County,  
Texas.

My Comm. Expires 03-01-2014  
I am not the Notary Public for this county.  
My Commission Expires 03-01-2014



ATTACHMENT 3: ORDINANCE NO. 4795 (CONTINUED)

Thence 156.87 feet continuing along said right of way line and along the arc of a curve to the right whose radius is 130.62 feet, whose interior angle is  $68^{\circ} 48' 36''$  and whose long chord bears North  $11^{\circ} 41' 42''$  East a distance of 147.61 feet;

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1972.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

4795